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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/312,740	05/14/1999	DOUGLAS F. BEAVEN	108473.114	2986

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EXAMINER

TARAE, CATHERINE MICHELLE

ART UNIT PAPER NUMBER

3623

DATE MAILED: 11/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/312,740

Applicant(s)

BEAVEN, DOUGLAS F.

Examiner

C. Michelle Tarae

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 191-211 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 191-211 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August 7, 2006 has been entered.

Claims 1-190 have been canceled. Claims 191-193, 197-199, 203-209 have been amended. Claim 211 has been added. Claims 191-211 are now pending in this application.

Examiner notes that she is a new examiner to the application.

Response to Amendment

2. Applicant's amendments to claims 191-193, 197-199, 203-209, addition of claim 211 and cancellation of claims 1-190 are acknowledged.

Response to Arguments

3. Applicant's arguments with regard to the Claim Objections of claims 197 and 210 have been fully considered and are found persuasive. Therefore, the previous Claim Objections of claims 197 and 210 are withdrawn.

Applicant's arguments that Buteau does not teach new claim 211 because Buteau does not teach, "a system for supporting management of a collaborative activity

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by person involved therein, *the persons not being specialists in information technology*,” [Emphasis added] have been fully considered but are found unpersuasive. To begin with, Applicant is arguing limitations only recited in the preamble of claim 211. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951). Additionally, system claims are generally concerned with the components of the system and the functions of those components. Thus, the title of a person (or, more specifically, in the present case, the specialty of a person) who is using the system is merely non-functional and does not affect the components of the system, as the system would function the same regardless of the specialty of the user. Therefore, this non-functional descriptive data will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994); *MPEP*, 2106.

The remainder of Applicant's arguments has been addressed in the updated rejections provided below.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 191-194 and 197-211 are rejected under 35 U.S.C. 102(e) as being anticipated by Buteau et al (U.S. 6,442,557).

As per claim 211, Buteau discloses a system for supporting management of a collaborative activity by persons involved therein, the persons not being specialists in information technology and the system comprising:

a representation of a model of the collaborative activity, the representation being accessible to a processor and the model of the collaborative activity including model entities (col. 10, lines 10-27; The organization roles entity models the interaction (i.e., collaborative activity) between various organizations, or entities, within an enterprise. The model reflects the roles a given entity has in a given process.), the model entities providing access to information concerning the collaborative activity, being organized into a plurality of hierarchies having a plurality of types, and a given model entity being capable of simultaneously belonging to a hierarchy having one of the types and a hierarchy having another of the types (col. 7, lines 19-26; col. 10, lines 6-13 and 32-39; Figure 7; Figure 4 illustrates one-to-many relationships among the organization model entities, showing entities having several hierarchical relationships. For example, each

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organization may be apart of another organization, and each organization may have more than one role, location, people, organization type, etc., thus being associated with multiple organizational hierarchies; In the organization roles entity model, each entity must be associated with a role type, organization entity, and process entity. For example, an organization may be a customer of another organization. The model entity hierarchies are stored in a relational database, thereby being accessible to a processor.); and

a graphical user interface for the system which the processor provides to the persons, the graphical user interface permitting a person of the persons to perform operations on a model entity as limited by a type of access which the person has to the model entity, the operations including controlling access to the model entity, creating, modifying, and/or deleting the model entity, assigning the model entity to a location in a hierarchy, accessing and/or modifying the information concerning the collaborative activity via the model entity, viewing model entities as ordered by a hierarchy to which the entities belong, and viewing model entities as ordered by a value in the information concerning the collaborative activity to which the entities give access (col. 22, lines 20-31; Figure 8; A user interface implements common user interface features (i.e., drop-down menus) for enabling a user to edit data into the database entity models. The user interface limits access to the database entity models by using the common user interface features such as drop-down menus to control the format of the data being submitted to the database.).

As per claim 191, Buteau discloses there is a plurality of types of model entities; and a representation of a model entity specifies the represented model entity's type (col. 5, lines 26-32; col. 8, lines 34-40; Figure 4; The system is a framework for organizing information about specific information models, including specifying entity types for each entity model.).

As per claim 192, Buteau discloses the model has further representations of further information that are related to the model entities (col. 6, lines 3-47; The entity models provide further information about the entities including further data on information, workflow and technology relationships among the entities.); the graphical user interface further permits the user to access the representations of the related further information (col. 22, lines 20-31; Figure 8; A user interface implements common user interface features (i.e., drop-down menus) for enabling a user to edit various data into the database entity models. The user interface limits access to the database entity models by using the common user interface features such as drop-down menus to control the format of the data being submitted to the database.).

As per claim 193, Buteau discloses the graphical user interface further permits the user to modify the further information (col. 22, lines 20-31; Figure 8; A user interface implements common user interface features (i.e., drop-down menus) for enabling a user to edit data into the database entity models. The user interface limits access to the database entity models by using the common user interface features such as drop-down menus to control the format of the data being submitted to the database.).

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As per claim 194, Buteau discloses the additional information is a document that is accessible to the system (col. 2, line 38; col. 6, lines 52-57; Figure 5; A data structure information model maintains the types and formats of information used by the enterprise.).

As per claims 197 and 210, Buteau discloses a data storage device (col. 2, lines 43-48; Figure 3; A database program is executed on a computer for managing enterprise models.).

As per claims 198-209, they recite similar limitations already rejected in claims 211 and 191-194, 197 and 210. Hence, the same rejections apply for claims 198-209 as applied to claims 211 and 191-194, 197 and 210.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 195 and 196 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buteau et al (U.S. 6,442,557).

As per 195, Buteau does not explicitly teach information is a message sent to a person by another person. Official notice is taken that both the concept and advantage of sending messages between people is well known and expected in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have provided a messaging system in a processing management system to provide a more efficient means of communicating information among people.

As per claim 196, Buteau does not explicitly teach there is an information discussion concerning the model entity among the persons. Official notice is taken that both the concept and advantage of discussing model entities (i.e., enterprise organization charts, etc.) between people (i.e., management) is well known and expected in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have provided a discussion means to provide a more efficient means of communicating enterprise organizational information among people.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. Michelle Tarae whose telephone number is 571-272-6727. The examiner can normally be reached Monday – Friday from 8:30am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz, can be reached at 571-272-6729.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



C. Michelle Tarae
Patent Examiner
Art Unit 3623

November 19, 2006